

REMARKS

These Remarks are in reply to the Office Action mailed October 18, 2005. Claims 1-22 were pending in the Application prior to the outstanding Office Action. Claims 1 and 11 are being amended, and claim 8 is being canceled. Accordingly, claims 1-7 and 9-22 remain pending for the Examiner's consideration, with claims 1, 11 and 16 being independent. Based on the following Remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and objections.

I. Provisional Non-Statutory Double Patenting Rejection

Claims 1, 10 and 15 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 21-23 and 25 of co-pending U.S. Patent Application No. 10/621,048. Claims 1, 10 and 15 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 21-23 of co-pending U.S. Patent Application No. 10/620,661.

Claim 1 has been amended, as shown above. Claims 10 and 15 depend from claim 1. Applicant believes that the amendment to claim 1 renders the above non-statutory double patenting rejections moot. Accordingly, Applicant respectfully requests that these rejections be reconsidered and withdrawn.

II. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 2-7, 9 and 11-14 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant also thanks the Examiner for indicating that claims 16-22 are allowed.

III. Rejection Under 35 U.S.C. § 102(b)

Claims 1, 8 and 10 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2004/0190646 A1 to Aziz.

Independent claim 1 has been amended to specify that "the at least one servo

demodulation parameter that is different in the second set than the corresponding parameter in the first set comprises at least one of the following

- a starting automatic gain control (AGC) value;
- a starting phase lock loop (PLL) value;
- an automatic gain control (AGC) update value;
- a phase lock loop (PLL) update value;
- a bit-detection threshold; and
- a SAM confidence threshold."

For at least the reason that the Examiner had indicated that claims 2-7 were allowable, Applicant respectfully asserts that claim 1, as amended, should be allowable. Claims 2-7, 9 and 15 depend from claim 1, and thus, should also be allowable.

Allowable dependent claim 11 has been rewritten to be in independent form including all of the limitations of its base claim. Accordingly, Applicant respectfully requests that claim 11 as amended be allowed. Claims 12-14 depend from claim 11, and thus, should also be allowable.

IV. Conclusion

In light of the above, it is respectfully requested that all outstanding rejections and objections be reconsidered and withdrawn. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response which may be required.

Respectfully submitted,

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